

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

JAMES PETTUS,

Plaintiff,

-against-

9:04-CV-228  
(LEK/DRH)

LT. GEAVER, Lt. Correction Department,

Defendant.

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**DECISION AND ORDER**

This matter comes before the Court following a Report-Recommendation filed on January 10, 2007, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 49). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by James Pettus, which were filed on January 18, 2007. Objections (Dkt. No. 50).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

Accordingly, it is hereby

**ORDERED**, that the Report-Recommendation (Dkt. No. 50) is **APPROVED** and

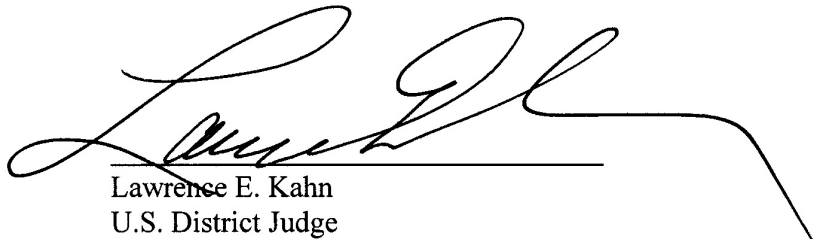
**ADOPTED** in its **ENTIRETY**; and it is further

**ORDERED**, that Defendant's Motion for summary judgment (Dkt. No. 38) is **GRANTED**;  
and it is further

**ORDERED**, that the Clerk serve a copy of this Order on all parties.

**IT IS SO ORDERED.**

DATED: January 29, 2007  
Albany, New York



Lawrence E. Kahn  
U.S. District Judge